

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House.....
Passed Senate
Failed to Pass Senate.....

House File 28

January 14, 1947.
Passed on File.

By GENERAL LEGISLATIVE COMMITTEE.

A BILL FOR

An Act to amend section four hundred thirteen point one hundred five (413.105), Code 1946, relating to occupancy of and collection of rent for dwellings for which certificates of compliance with state housing law have not been issued.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section four hundred thirteen point one hundred
2 five (413.105), Code 1946, is amended by striking therefrom in
3 lines four (4) and five (5) the following words: "issuance of
4 a certificate by the health officer that such part of".

1 Sec. 2. Further amend section four hundred thirteen point
2 one hundred five (413.105), Code 1946, by striking the last
3 sentence thereof and substituting the following:

4 "If such such dwelling conforms to the requirements of this
5 chapter the health officer shall, within three days after
6 written application therefor, issue a certificate certifying to
7 such conformance."

EXPLANATION OF H. F. 28

In the recent case of Burlington and Summit Apts. vs. Manalato, 233 Iowa....., 7 NW 2nd 26, the Supreme Court of Iowa held that the apartment house owner could not collect rents from tenants because the certificate of compliance with the state housing law provided for in Section 413.105, Code 1946, had not been issued by the health officer. The court held that notwithstanding 100% compliance with the requirements of the housing law, rent cannot be collected if the health officer's certificate of compliance has not been issued. As stated in the dissenting opinion in that case, this provision is entirely arbitrary and unreasonable and it should be changed, at least to the extent that rent may be collected if the housing law has been complied with notwithstanding failure to issue the compliance certificate. This bill would affect such change.